

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

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UNITED STATES OF AMERICA, * CRIMINAL NO. 7:24-CR-00031
Plaintiff, * APRIL 02, 2024 9:42 A.M.
* GUILTY PLEA HEARING
*
vs.
*
*
RICHARD WALKER, * Before:
Defendant. * HONORABLE DONALD C. COGGINS, JR.
* UNITED STATES DISTRICT JUDGE
* DISTRICT OF SOUTH CAROLINA
* * * * * * * * * * * * * * *

APPEARANCES:

For the Plaintiff: JAMIE L. SCHOEN, AUSA
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For the Defendant: LORA BLANCHARD, ESQUIRE
Federal Public Defenders Office
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Proceedings recorded by mechanical stenography, transcript produced by computer.

1 (Court convened at 9:42 a.m.)

2 (Excerpts not transcribed at request of counsel.)

3 **MS. SCHOEN:** Good morning, Your Honor. The next
4 case is United States versus Richard Brian Walker. This is
5 7:24-31. Mr. Walker is present and represented by his
6 attorney, Ms. Laura Blanchard, and we're here for a change of
7 plea.

8 **THE COURT:** All right. Ms. Blanchard.

9 **MS. BLANCHARD:** Yes, Your Honor. We're ready to
10 plead guilty.

11 **THE COURT:** All okay. All right. Madam Clerk, if
12 you would swear the defendant.

13 **THE CLERK:** Sir, please stand, raise your right
14 hand and state your name for the record.

15 **THE DEFENDANT:** Richard Brian Walker.

16 (Whereupon, the defendant is duly sworn on oath.)

17 **THE DEFENDANT:** Yes.

18 **THE COURT:** Thank you, sir. Mr. Walker, it's my
19 understanding from the government and your attorney that you
20 wish to change your plea and enter a plea of guilty this
21 morning. Is that correct?

22 **THE DEFENDANT:** Yes, sir.

23 **THE COURT:** All right. Ms. Blanchard, I have not
24 received a written plea agreement. Is there one in this case?

25 **MS. BLANCHARD:** There is not.

1 **THE COURT:** Okay. Have you had sufficient time to
2 confer with Mr. Walker and discuss this case with him?

3 **MS. BLANCHARD:** Yes, Your Honor.

4 **THE COURT:** Have you advised him of his rights and
5 explained the Court process to him?

6 **MS. BLANCHARD:** I have.

7 **THE COURT:** Do you believe he understands what he's
8 doing today?

9 **MS. BLANCHARD:** Yes, Your Honor.

10 **THE COURT:** All right. Mr. Walker, before I can
11 accept your guilty plea it's necessary for me to make sure
12 that you're pleading guilty freely, voluntarily, and
13 knowingly. Because by pleading guilty to these charges,
14 you're going to be giving up some important rights and
15 possible legal defenses that you may have as a criminal
16 defendant. In order for me to make that determination, it's
17 necessary for me to ask you a number of questions this
18 morning. It's very important that you listen carefully to all
19 of my questions and everything that is said during this
20 hearing. If at any time during this hearing I give you
21 information that is different from what someone else may have
22 told you, even if it's different from what Ms. Blanchard has
23 told you, you need to rely upon what I tell you this morning.
24 If I ask a question that you do not understand or use a word
25 or phrase that you don't understand, you need to stop me and

1 let me know that so that I can either explain the question or
2 rephrase it for you. If you don't say anything I'm going to
3 presume that you understood all of my questions and everything
4 else that is said during this hearing. And finally, if at any
5 time during my questioning this morning you believe it's
6 necessary for you to confer privately with your attorney, all
7 you need to do is let me know that and I'll be happy to give
8 you that opportunity. Do you understand all of that?

9 **THE DEFENDANT:** Yes, sir.

10 **THE COURT:** Now, Mr. Walker, you've been placed
11 under oath, and everything you tell me from here on out is
12 material to your case so that if you answer any of my
13 questions falsely, those false answers could be used against
14 you in a later proceeding which could include a prosecution
15 for perjury or for making false statements to the Court. Do
16 you understand that?

17 **THE DEFENDANT:** Yes, sir.

18 **THE COURT:** All right. You are Richard Brian
19 Walker?

20 **THE DEFENDANT:** Yes, sir.

21 **THE COURT:** How old are you, Mr. Walker?

22 **THE DEFENDANT:** 49.

23 **THE COURT:** How far did you go in school?

24 **THE DEFENDANT:** Eleventh grade.

25 **THE COURT:** All right. And where were you born,

1 sir?

2 **THE DEFENDANT:** Columbus, North Carolina.

3 **THE COURT:** Do you have any difficulty whatsoever
4 understanding or communicating in the English language?

5 **THE DEFENDANT:** No, sir.

6 **THE COURT:** Now Mr. Walker, I have a number of
7 questions I have to ask of you that are somewhat personal in
8 nature, but I have to ask these of every defendant in your
9 position, so please don't be offended by my asking you. Have
10 you used any type of alcohol or drug within the last 24 hours?

11 **THE DEFENDANT:** No, sir.

12 **THE COURT:** As you stand here today are you under
13 the influence of any type of alcohol, drug, medication, or any
14 other substance that would affect your judgment, that is,
15 affect your ability to understand what you're doing?

16 **THE DEFENDANT:** No, sir.

17 **THE COURT:** Do you suffer from any type of medical
18 condition whether mental, physical, or emotional that would
19 affect your judgment, that is, affect your ability to
20 understand what you're doing?

21 **THE DEFENDANT:** No, sir.

22 **THE COURT:** All right. I'll state for the record
23 that based upon Mr. Walker's appearance, his demeanor, and his
24 responses to my questions thus far I do not believe that he is
25 impaired in any way.

1 Now Mr. Walker, are there any medications that have
2 been prescribed for you that you're supposed to be taking but
3 you're not currently taking as directed?

4 **THE DEFENDANT:** No, sir.

5 **THE COURT:** Have you ever been treated for any type
6 of mental illness?

7 **THE DEFENDANT:** No, sir.

8 **THE COURT:** Have you ever been treated for any type
9 of addiction to narcotic drugs?

10 **THE DEFENDANT:** Yes, sir.

11 **THE COURT:** Tell me about that. When was that?

12 **THE DEFENDANT:** It was roughly '16 and '17 for
13 alcohol.

14 **THE COURT:** All right. And did you complete that
15 treatment?

16 **THE DEFENDANT:** Yes, sir.

17 **THE COURT:** All right. Is there anything about
18 either your alcohol addiction or any type of medication that
19 may have been used during that treatment or the lack of
20 continuing treatment that would affect your ability to
21 understand what you're doing?

22 **THE DEFENDANT:** No, sir.

23 **THE COURT:** All right.

24 **MS. BLANCHARD:** Your Honor, can I have just a
25 moment?

1 **THE COURT:** Yes.

2 (Pause.)

3 **MS. BLANCHARD:** Your Honor, he also just finished a
4 sentence at the South Carolina Department of Corrections. He
5 did receive treatment there through their ATU unit.

6 **THE COURT:** That's fine. Same question. Anything
7 about that treatment or the condition to which you were
8 treated that would have any effect on your ability to
9 understand today?

10 **THE DEFENDANT:** Yes, sir -- I mean, no.

11 **THE COURT:** Let's try that again. Make sure we've
12 got a clear record.

13 Anything about that that would affect your ability
14 to understand what you're doing today?

15 **THE DEFENDANT:** No, sir.

16 **THE COURT:** All right. Have you recently been seen
17 by any type of doctor, psychiatrist, psychologist, mental
18 health professional?

19 **THE DEFENDANT:** No, sir.

20 **THE COURT:** Are you satisfied with the services of
21 your attorney?

22 **THE DEFENDANT:** Yes, sir.

23 **THE COURT:** Do you understand what we're doing
24 today, what the purpose of this hearing is?

25 **THE DEFENDANT:** Yes, sir.

1 **THE COURT:** Have you had sufficient time to meet
2 with your lawyer and discuss your case with her?

3 **THE DEFENDANT:** Yes, sir.

4 **THE COURT:** Has Ms. Blanchard advised you of your
5 rights and explained the court process to you?

6 **THE DEFENDANT:** Yes, sir.

7 **THE COURT:** Has she specifically explained the
8 possible consequences that may take place as a result of this
9 proceeding, that is, as a result of you pleading guilty?

10 **THE DEFENDANT:** Yes, sir.

11 **THE COURT:** Have you told her everything that you
12 want or need to tell her about your case?

13 **THE DEFENDANT:** Yes, sir.

14 **THE COURT:** Has she done everything you've asked her
15 to do for you?

16 **THE DEFENDANT:** Yes, sir.

17 **THE COURT:** Is there anything else you would like
18 for her to do for you before we proceed today?

19 **THE DEFENDANT:** No, sir.

20 **THE COURT:** Are you ready to proceed?

21 **THE DEFENDANT:** Yes, sir.

22 **THE COURT:** And do you authorize her to speak on
23 your behalf during this hearing?

24 **THE DEFENDANT:** Yes, sir.

25 **THE COURT:** All right. Ms. Blanchard, taking into

1 consideration everything you know about Mr. Walker's case, do
2 you agree with his decision to plead guilty?

3 **MS. BLANCHARD:** Yes, Your Honor.

4 **THE COURT:** Have any concerns about his competence
5 to make that decision?

6 **MS. BLANCHARD:** No, Your Honor.

7 **THE COURT:** Any concerns as to competency from the
8 government?

9 **MS. SCHOEN:** No, Your Honor.

10 **THE COURT:** I find that the defendant, Richard Brian
11 Walker, is competent to plead guilty to the charges against
12 him and I so find for purposes of this record.

13 Now Mr. Walker, it's my understanding you are named
14 in an 11-count indictment. The indictment is simply the
15 written document the government uses to charge you with a
16 crime. It's not evidence of anything. Not proof of anything.
17 It's just the allegations the government's making about what
18 they believe you did that violated the law. Have you had an
19 opportunity to review the indictment in your case with your
20 attorney?

21 **THE DEFENDANT:** Yes, sir.

22 **THE COURT:** Has Ms. Blanchard gone over the
23 indictments with you?

24 **THE DEFENDANT:** Yes, sir.

25 **THE COURT:** Has she explained the charges to you?

1 **THE DEFENDANT:** Yes, sir.

2 **THE COURT:** Do you understand what the government
3 would have to prove in order to prove you guilty of those
4 charges?

5 **THE DEFENDANT:** Yes, sir.

6 **THE COURT:** Do you understand the penalties that you
7 may face if you are convicted of those charges?

8 **THE DEFENDANT:** Yes, sir.

9 **THE COURT:** All right. It's not that I don't
10 believe you, but in order to establish for the record that you
11 do in fact understand the nature of the charges that you're
12 offering to plead guilty to, the essential elements the
13 government would have to prove if the case went to trial, and
14 the maximum penalties that you may face, I'm going to ask the
15 assistant U.S. attorney to briefly go over the charges that
16 you are offering to plead guilty to today, the essential
17 elements the government would have to prove, and the penalties
18 associated with those charges, and I'll ask you to listen
19 carefully as she does so. Ms. Schoen.

20 **MS. SCHOPEN:** Yes, Your Honor. The penalties for
21 count 1 and count 2 in the indictment are the same, and so
22 I'll read the elements of those counts first and then I will
23 read their penalties together.

24 Count 1 charges that Mr. Walker violated 21 U.S.C.
25 846, 841(b)(1)(A), and 841(b)(1)(B), that is, conspiracy to

1 possess with intent to distribute and to distribute
2 methamphetamine and fentanyl. The elements of these are, one,
3 there was an agreement between two or more persons to possess
4 with intent to distribute and to distribute controlled
5 substances, that is methamphetamine and fentanyl, both
6 Schedule II controlled substances as charged in count 1. And
7 I will not read the entire chemical name for fentanyl on the
8 record. The defendant knowingly and voluntarily participated
9 in or became part of this agreement. And three, the defendant
10 distributed a quantity of the controlled substances equal to
11 or in excess of the amount charged in count 1, agreed to
12 assist in the distribution of a quantity of the controlled
13 substances equal to or in excess of the amount charged in
14 count 1, or the distribution of the threshold quantity of the
15 controlled substances equal to or in excess of the amount
16 charged in count 1 was reasonably foreseeable to the
17 defendant, and the same was within the scope of the
18 defendant's agreement and understanding, that is, 500 or more
19 grams of a mixture or substance containing a detectable amount
20 of methamphetamine and 40 grams or more fentanyl.

21 The elements for count 2, that is possession with
22 intent to distribute methamphetamine and fentanyl.

23 **MS. BLANCHARD:** Seven?

24 **MS. SCHOEN:** I'm sorry. Count 7, my apologies --
25 are, one, the defendant possessed the amount of controlled

1 substance alleged in the indictment, that is, 500 grams or
2 more of a mixture or substance containing a detectable amount
3 of methamphetamine, and 40 grams or more of fentanyl,
4 including the chemical name for that substance, both Schedule
5 II controlled substances. Two, the defendant knew the
6 substances possessed were controlled substances under the law
7 at the time of possession. And three, the defendant did so
8 with intent to distribute the controlled substances.

9 The penalties for both count 1 and count 7 are for
10 (b)(1)(A), imprisonment at least ten years and up to life,
11 supervised release at least five years and up to life, a fine
12 of up to \$10 million, and a special assessment of \$100. For
13 841(b)(1)(B), the penalties are imprisonment of at least five
14 years and up to 40 years, supervised release not less than
15 four years and up to life, a fine of up to \$5 million, and
16 special assessment of \$100.

17 For count 7, this is felon in possession of a
18 firearm in violation of 18 U.S.C. 922(g)(1). The elements
19 are, one, the defendant knowingly possessed a firearm as
20 charged in the indictment. Two, at the time the defendant
21 possessed the firearm the defendant had previously been
22 convicted of a crime punishable by imprisonment for a term
23 exceeding one year. Three, the defendant knew that the
24 defendant had a prior conviction punishable by imprisonment
25 for a term exceeding one year, and four, the firearm had

1 traveled in interstate or foreign commerce. The penalty for
2 this offense is imprisonment not more than 15 years, a fine of
3 up to \$250,000, supervised release of not more than five
4 years, and a special assessment of \$100.

5 For count 9, this is the possession of a short
6 barrel rifle that was not serialized in violation of 26 U.S.C.
7 Section 8 -- Section 5861(i). One, the defendant possessed a
8 firearm, specifically a short barreled rifle, that is a rifle
9 having a barrel in length of less than 16 inches. Two, the
10 firearm was not identified by a serial number as required by
11 the National Firearms Act. And three, the defendant acted
12 knowingly. The penalty for this offense is imprisonment of
13 not more than ten years, supervised release of not more than
14 three years, a fine of \$10,000, and a special assessment of
15 \$100.

16 The last offense is count 10. This is possession of
17 a firearm in furtherance of a drug trafficking crime in
18 violation of 18 U.S.C. 924(c)(1)(A). The elements are, one,
19 the defendant knowingly possessed a firearm and, two, the
20 defendant did so in furtherance of a drug trafficking crime
21 which may be prosecuted in federal court as charged in count 7
22 of the indictment. The penalty for this offense is
23 imprisonment of not less than five years consecutive to any
24 other sentence and up to life, supervised release of not more
25 than five years, a fine of up to \$250,000, and a special

1 assessment of \$100.

2 **THE COURT:** Thank you. All right. Mr. Walker, so
3 you are offering to plead guilty to counts 1, 7, 8, 9 and 10
4 of the indictment; is that correct?

5 **THE DEFENDANT:** Yes, sir.

6 **THE COURT:** And did you listen carefully to the
7 information that was provided by the prosecutor with respect
8 to the elements and penalties related to those charges?

9 **THE DEFENDANT:** Yes, sir.

10 **THE COURT:** And did you understand the information
11 that was provided?

12 **THE DEFENDANT:** Yes, sir.

13 **THE COURT:** And I noted during the prosecutor's
14 recitation of those things you and Ms. Blanchard were looking
15 at a document. Were you following along on the elements and
16 penalties sheet as that information was provided?

17 **THE DEFENDANT:** Yes, sir.

18 **THE COURT:** All right. Again, do you understand
19 that?

20 **THE DEFENDANT:** Yes, sir.

21 **THE COURT:** Have any questions about it?

22 **THE DEFENDANT:** No, sir.

23 **THE COURT:** All right. Understanding that do you
24 still wish to plead guilty?

25 **THE DEFENDANT:** Yes, sir.

1 **THE COURT:** I find that the defendant, Richard Brian
2 Walker, fully comprehends and understands the nature of the
3 charges against him and generally what elements the government
4 would have to prove if a trial were held, as well as the
5 penalties associated with the these offenses.

6 Now Mr. Walker, as I indicated earlier, by pleading
7 guilty to these charges you're going to be giving up certain
8 important rights and possible legal defenses that you may have
9 under the law. I want to briefly go over some of those with
10 you at this time. Under the Constitution and laws of the
11 United States, you have a right to plead not guilty. And if
12 you plead not guilty, you are entitled to a public and speedy
13 trial by a jury on the charges contained in the indictment.
14 Does not matter to this Court whether you choose to plead
15 guilty or not guilty. If you decide to plead not guilty and
16 you request a trial by jury, you would also be entitled to a
17 number of procedural rights as a defendant in a criminal case.
18 I want to go over some of those with you at this time.

19 If a trial were held you would have the right to the
20 assistance of counsel for your defense at every stage of your
21 case, and if you could not afford an attorney, one would be
22 appointed for you without cost to you. Of course you're
23 currently being represented by very experienced and competent
24 legal counsel at this time, and I expect that Ms. Blanchard
25 would remain with you throughout the trial of your case.

1 There's no burden of proof upon you whatsoever.
2 You're presumed innocent of any and all charges until and
3 unless the government proves you guilty of each and every
4 element of offenses beyond reasonable doubt. You would be
5 presumed innocent, and the government would be required to
6 prove you guilty by competent evidence and beyond a reasonable
7 doubt before you could be found guilty, and you would not have
8 to prove your innocence.

9 The witnesses for the government would have to come
10 here to court and testify in your presence, and your attorney
11 could cross-examine those witnesses, and she could also object
12 to other items that the prosecution seeks to introduce into
13 evidence. And while there's no burden of proof upon you, if
14 you so choose, your attorney could offer evidence on your
15 behalf. And, again, while there's no burden of proof upon
16 you, if a trial were held, you would have the right to testify
17 in your defense if you chose to do so. However, you would
18 also have the absolute right not to testify. And if you chose
19 not to testify, I would specifically inform and instruct the
20 jury that no inference or suggestion of guilt whatsoever could
21 be drawn from the fact that you did not testify.

22 You would have the right to the issuance of
23 subpoenas to compel the attendance of witnesses to come and
24 testify in your defense and to compel the production of other
25 evidence for your defense. In other words, while there's no

1 burden of proof upon you, if a trial were held and you had
2 witnesses that you wanted to come here to court to testify on
3 your behalf, this Court will assist you and your attorney in
4 having those witnesses brought to court.

5 Finally, if a trial is held, in order for you to be
6 found guilty, the jury will have to reach a unanimous verdict
7 by all of the jury members.

8 Now Mr. Walker, do you understand these important
9 rights as I have outlined them for you?

10 **THE DEFENDANT:** Yes, sir.

11 **THE COURT:** If you plead guilty and I accept your
12 plea, you'll be giving up your right to a jury trial and all
13 of these other rights I have just listed for you. There will
14 be no trial, and I will enter a judgment of guilt and sentence
15 you on the basis of your guilty plea. Do you understand that?

16 **THE DEFENDANT:** Yes, sir.

17 **THE COURT:** If you plead guilty, you will also have
18 to give up your right not to incriminate yourself since I'll
19 be asking you questions about what you did in order to satisfy
20 myself that you are in fact guilty as charged, and you have to
21 acknowledge and admit to your guilt. Do you understand that?

22 **THE DEFENDANT:** Yes, sir.

23 **THE COURT:** Now, given the nature of this case I
24 don't know if restitution will be an issue or not, and it may
25 not be. But if restitution is an issue in the case and you

1 plead guilty and I accept your plea, you may be required to
2 make restitution to one or more victims of your acts either by
3 the payment of money or in personal services as may be
4 directed by this Court. If such restitution is ordered, your
5 failure to comply may be the basis for revoking any period of
6 supervised release that might be imposed as a part of your
7 sentence. Do you understand that?

8 **THE DEFENDANT:** Yes, sir.

9 **THE COURT:** The offenses to which you're offering to
10 plead guilty are felony offenses. If your plea is accepted
11 you may be deprived of valuable civil rights, such as the
12 right to vote, to hold public office, to serve on a jury, and
13 to possess any kind of firearm. It may also affect your
14 ability to receive certain government benefits. Do you
15 understand that?

16 **THE DEFENDANT:** Yes, sir.

17 **THE COURT:** Now, if the offense to which you're
18 pleading guilty carries a maximum sentence of 20 years or
19 more, and at least one of these does, you would be statutorily
20 ineligible for a probationary sentence pursuant to 18 U.S.C.
21 Section 3561(a)(1). Do you understand that?

22 **THE DEFENDANT:** Yes, sir.

23 **THE COURT:** If forfeiture is an issue in the case
24 and, again, given the nature of the case it may very well be,
25 if you plead guilty and I accept your plea I can order you to

1 forfeit certain property to the government. Do you understand
2 that?

3 **THE DEFENDANT:** Yes, sir.

4 **THE COURT:** If you plead guilty, the Court is
5 obligated to impose a mandatory special assessment fee as to
6 each count of the indictment that you are admitting to, and
7 that fee is payable immediately upon sentencing. In this case
8 I believe you are offering to plead guilty to five counts, so
9 that would be \$500. Do you understand that?

10 **THE DEFENDANT:** Yes, sir.

11 **THE COURT:** Now, Mr. Walker, if you plead guilty or
12 if you were to be convicted by a jury after a trial in this
13 case, then it will fall to this Court to determine the
14 appropriate sentence to be imposed in your case. In
15 determining the appropriate sentence, I'm required to consider
16 the statutory sentencing factors set out by Congress in Title
17 18 of the United States Code at Section 3553(a), as well as
18 the advisory sentencing guidelines issued by the United States
19 Sentencing Guidelines Commission. Those guidelines are used
20 as the starting point in determining your sentence. The Court
21 is obligated to calculate the applicable guideline range and
22 to consider that range as well as any possible departures or
23 variances under the sentencing guidelines and other factors
24 under 18 U.S.C. Section 3553(a). The Court will also consider
25 the purposes of sentencing which include punishment,

1 deterrence, incapacitation, and rehabilitation in making its
2 determination. Do you understand all of that?

3 **THE DEFENDANT:** Yes, sir.

4 **THE COURT:** Now Mr. Walker, have you and
5 Ms. Blanchard talked about how the statutory factors and
6 advisory guidelines may affect your sentence in this case?

7 **THE DEFENDANT:** Yes, sir.

8 **THE COURT:** You understand that I will not be able
9 to determine the guideline range that applies to your case
10 until the presentence report has been completed, and both you
11 and the government have had an opportunity to challenge the
12 reported facts and the application of the guidelines as
13 recommended by the probation officer who prepares that report.

14 **THE DEFENDANT:** Yes, sir.

15 **THE COURT:** Do you understand that even after it has
16 been determined what guidelines apply in your case, I have the
17 authority to impose a sentence that is more severe or less
18 severe than the guidelines because those guidelines are only
19 advisory?

20 **THE DEFENDANT:** Yes, sir.

21 **THE COURT:** Do you understand that any sentence I
22 may ultimately impose upon you may be different from and
23 possibly greater than any estimate your attorney or anyone
24 else may have given you?

25 **THE DEFENDANT:** Yes, sir.

1 **THE COURT:** Now, Mr. Walker, in calculating the
2 range of sentence under the advisory guidelines and
3 determining an appropriate sentence in your case, this Court
4 will take into account all conduct, circumstances, and
5 injuries associated with your criminal conduct whether or not
6 that conduct is formally charged by the government or included
7 in the counts you are admitting to in the indictment.

8 The Court will consider all relevant conduct at the
9 time of your sentencing. There is no limitation on the
10 information this Court can consider at the time of your
11 sentencing concerning your background, your character, and
12 your conduct, so long as that information is reliable. The
13 Court will take all of the factors and all of this information
14 into consideration in determining an appropriate sentence
15 under the facts and circumstances of your particular case. Do
16 you understand that?

17 **THE DEFENDANT:** Yes, sir.

18 **THE COURT:** Do you understand that under some
19 circumstances either you or the government may have the right
20 to appeal any sentence that I may impose?

21 **THE DEFENDANT:** Yes, sir.

22 **THE COURT:** Do you understand that parole has been
23 abolished, and if you are sentenced to prison you'll not be
24 released early on parole?

25 **THE DEFENDANT:** Yes, sir.

1 **THE COURT:** Do you understand that if your sentence
2 is more severe than you expected, you will still be bound by
3 this guilty plea and you will not have the right to withdraw
4 it?

5 **THE DEFENDANT:** Yes, sir.

6 **THE COURT:** Mr. Walker, has anyone made any promises
7 or guarantees to you about what your sentence will be or
8 anything else related to this matter in order to get you to
9 plead guilty?

10 **THE DEFENDANT:** No, sir.

11 **THE COURT:** Has anybody threatened you or pressured
12 you or coerced you any way to get you to plead guilty?

13 **THE DEFENDANT:** No, sir.

14 **THE COURT:** Are you pleading guilty of your own free
15 will because you are, in fact, guilty?

16 **THE DEFENDANT:** Yes, sir.

17 **THE COURT:** Now, Mr. Walker if you plead guilty and
18 I except your plea, the law provides upon your release from
19 any term of incarceration you'll be subject to a term of
20 supervised release. When you're placed on supervised release,
21 you'll be under an order of this Court that prescribes the
22 rules for your behavior while you're on supervised release.
23 If you violate any term or condition of supervised release,
24 that is, any term or condition of this Court's order you can
25 be given additional time in prison. Do you understand that?

1 **THE DEFENDANT:** Yes, sir.

2 **THE COURT:** All right. I understand that you and
3 Ms. Blanchard have talked about how the guidelines may affect
4 your sentence in this case. But has anybody made any kind of
5 prediction or promise to you about what your sentence will be?

6 **THE DEFENDANT:** No, sir.

7 **THE COURT:** All right. In order for me to establish
8 that there is a factual basis for the guilty plea you are
9 offering this morning, it's necessary for me to have the
10 government summarize the facts and evidence that they believe
11 they would be prepared to show to a jury at the trial of the
12 case. Essentially what I'm going to ask Ms. Schoen to do is
13 tell me what the government believes they can prove you did.
14 I want you to listen carefully to that information because I'm
15 going to ask you about it when she's finished. Ms. Schoen.

16 **MS. SCHOEN:** Mr. Walker conspired with others
17 including Rebecca Whitesides and Jeffrey Wilson to possess
18 with intent to distribute and to distribute 500 grams or more
19 of a mixture or substance containing a detectable amount of
20 methamphetamine, and 40 grams or more of fentanyl, knowing the
21 substances were controlled substances under the law at the
22 time. Mr. Walker confessed that he coordinated obtaining
23 methamphetamine from a co-conspirator. And that Whitesides
24 often provided the money for the drugs the co-conspirator
25 instructed him to pick up. Ms. Whitesides admitted to picking

1 up both methamphetamine and drug proceeds from Mr. Walker.

2 On February 22nd, 2023, Mr. Wilson was stopped after
3 leaving Mr. Walker's house with over five kilograms of
4 methamphetamine in his car. Wilson admitted that he had just
5 delivered multiple kilograms of methamphetamine to Mr. Walker
6 at his house. A search warrant was conducted on Mr. Walker's
7 house and officers located over 500 grams or methamphetamine
8 and over 40 grams of fentanyl. Additionally, Mr. Walker had
9 multiple guns and ammunition at the residence, including a
10 Palmetto State Armory PG nine millimeter short barrel rifle, a
11 short barrel rifle with unknown manufacturer, a .556 caliber
12 rifle bearing no serial number, a Glock type pistol bearing no
13 serial number. Mr. Walker possessed the un-serialized .556
14 caliber short barrel rifle in violation of NFA. The Glock
15 style pistol was loaded and hidden under Mr. Walker's bed.
16 The two rifles were located in the shed with the large amount
17 of methamphetamine. Mr. Walker had assisted law enforcement
18 in finding the location of the guns. Had the case proceeded
19 to trial an agent would have testified that based on their
20 training and experience it was their belief that the firearms
21 were possessed in furtherance of the drug trafficking crime.
22 Mr. Walker has a prior felony conviction which he knew he had
23 at the time he possessed the firearms. The Palmetto Army
24 short barrel rifle was manufactured outside the state of South
25 Carolina, and traveled in interstate commerce to get here.

1 **THE COURT:** All right. Mr. Walker, did you listen
2 carefully to the information presented about your role in this
3 matter?

4 **THE DEFENDANT:** Excuse me?

5 **THE COURT:** Did you listen carefully to the
6 information presented regarding your role in this matter?

7 **THE DEFENDANT:** Yes, sir.

8 **THE COURT:** And was that information accurate?

9 **THE DEFENDANT:** Yes, sir.

10 **THE COURT:** Anything about what the prosecutor told
11 me that you disagree with or want to tell me about at this
12 time?

13 **THE DEFENDANT:** No, sir.

14 **THE COURT:** With respect to the firearms, do you
15 acknowledge that you were aware you were not eligible to have
16 possession of a firearm?

17 **THE DEFENDANT:** Yes, sir.

18 **THE COURT:** All right. Ms. Blanchard, anything
19 else?

20 **MS. BLANCHARD:** No, Your Honor.

21 **THE COURT:** Anything else from the government?

22 **MS. SCHOEN:** No, Your Honor.

23 **THE COURT:** All right. Based upon the information
24 that has been presented this morning I do find that there is a
25 factual basis for this guilty plea. I further find that the

1 defendant's plea of guilty is being made freely, voluntarily,
2 and knowingly with the advice and assistance of counsel, and
3 is supported by an independent basis in fact containing each
4 of the essential elements of the offenses. Accordingly, the
5 defendant Richard Brian Walker's plea of guilty is hereby
6 accepted and he adjudged guilty of the offenses as charged.

7 Now Mr. Walker, I'm going to refer you to the U.S.
8 Probation Office for preparation of your presentence report
9 and I'm going to direct you to cooperate with them for that
10 purpose. Do you have any questions about that?

11 **THE DEFENDANT:** No, sir.

12 **THE COURT:** All right. Anything further,
13 Ms. Blanchard?

14 **MS. BLANCHARD:** No, Your Honor.

15 **THE COURT:** All right. If not, the defendant will
16 be remanded to custody pending sentencing.

17 Mr. Walker, once you get that presentence report you
18 and Ms. Blanchard will have an opportunity to review it, make
19 any objections to it, file any motions you need to. Once that
20 process is complete, we'll schedule your sentencing hearing.
21 All right. We'll be in recess until our next matter. Thank
22 you.

23 (Excerpts not transcribed at request of counsel.)

24 (Whereupon, court is adjourned at 12:09 p.m.)

25

1 CERTIFICATE
2
34 I, Michele E. Becker, certify that the foregoing is
5 a correct transcript from the record of proceedings
6 in the above-entitled matter.

7 /s/ Michele E. Becker

Date: 12/23/2024

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